IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2487 OF 1993

Javed Ibrahim Farid & Ors. ..Petitioners

versus

Mohd. Qasim Samru & Anr. ..Respondents

Mr. A. Patil h/f. Mr. P. K. Dhakephalkar for the Petitioners.

None for the Respondents.

CORAM : D. G. DESHPANDE, J.

DATE : 11TH OCTOBER, 2006

ORAL ORDER :

1. Heard counsel for the petitioner. Nobody is present for the Respondents.

2. Petitioners are the trustees of Aqsa Educational Society, Bhiwandi. They have challenged the orders of the Assistant Charity Commissioner, Thane Region, Thane, dated 8.4.1992 at Exhibits D and E to the petition. The order is as under:

> **"Issue directions in term prayer viz : The prepare the List of Members enroll members for the Trust, Publish the programme for inviting nomination forms, fix the date of**

its scrutiny, fix date for withdrawal of nominations and fix the time, date and place for holding the election of the trust. Above compliance be made within 30 days."

3. In the petition, it is specifically stated that on 5.3.1992 the agenda was circulated and published in the General Body Meeting held on 22.3.1992 and new trustees were elected for the said trust and they had taken charge and submitted change report to the Charity Commissioner on 19.8.1992. Therefore, when the elections were held and change report submitted, the Assistant Charity Commissioner was not at all justified in passing the impugned order on 8.4.1992. Respondents were served. Nobody present for the respondents. They have not filed any reply to oppose this petition.

4. In the result, impugned order of the Assistant Charity Commissioner dated 8.4.1992 is set aside. Petition is allowed in terms of prayer clause (a). Rule made absolute accordingly. No order as to costs.

(D.G. DESHPANDE, J.)